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Remarks

Reconsideration of remaining claims 8-18 is respectfully requested.

In the Office action dated March 19, 2004 (application Paper No. 9), the Examiner issued a Final rejection of claims 1-8, 11-14, 17 and 18 under 35 USC § 103(a). Claims 9, 10, 15 and 16 were cited as "objected to" in that they depended from a rejected base claim.

In each of the Examiner's rejections, US Patent 6,567,167 (Chou et al.) was utilized as the primary reference, teaching all of the "system" aspects of the present invention, except for the provision of an "in-line *fiber*" polarimeter. In response, applicants assert that Chou et al. does not disclose or suggest the use of a feedback path in a "polarization controller", where remaining claims 8-18 all utilize such a feedback path to form an "active" polarization controller.

In the rejection, the Examiner cited elements 120 and 220 of Chou et al. as associated with providing feedback, and using this feedback to "adjust" polarization in accordance with the present invention. In response, applicants assert that there is no teaching or disclosure of feedback element/path in the "polarization controller" of Chou et al. Referring to both the text and FIG. 1 of Chou et al, element 100 is defined as a "polarization controller", and element 200 is defined as a "delay controller". A feedback path 130 is included within delay controller 200 to adjust the time delay of one polarized signal with respect to the other such that light exiting delay controller 200 is linearly polarized. Polarimeter 110 of polarization controller 100, in contrast, is not coupled to a "feedback" element. Indeed, there is no teaching of the use of a feedback loop in the polarization controller of Chou et al. Instead, the output from polarimeter 110 is fed *forward* to a polarization controller 108 at the output of controller 100, preparing the proper polarization states (linear) to delay controller 200.

Applicants assert that without this teaching of a "feedback" path between the out-coupled signals from a polarimeter and a "correction" input of a polarization controller disposed at the input of the polarimeter, Chou et al. cannot be used in combination with any of the other cited references to disclose or suggest the subject matter of the present

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invention as defined by remaining claims 8-18. Thus, applicants respectfully request the Examiner to reconsider these rejections and find claims 8-18 to be in condition for allowance.

Applicants have amended various ones of the pending claims in order to more accurately define the positioning of one element with respect to the others, and the various signals utilized by the elements in the feedback path. These amendments are intended to be for clarification purposes only, and are not considered as presenting "new matter" requiring additional searching by the Examiner.

The Examiner has cited claims 9, 10, 15 and 16 as being objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form. Inasmuch as applicants believe that amended independent claims 8 and 11 are in condition for allowance, applicants assert that claims 9, 10, 15 and 16 remain in condition for allowance in their dependent form.

In summary, the present application contains claims 8-18. Applicants believe that the case, in its present form, is now in condition for allowance and respectfully requests an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not believe that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

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